

REMARKS

Claims 1-39 are pending in the application.

Claims 1-39 stand rejected.

Claims 1, 10, 25, and 34 have been amended. No new matter has been added. These amendments are presented for clarification purposes only; this clarification is not presented for any reason related to patentability. These amendments are not necessary to overcome any of the outstanding rejections.

Rejection of Claims Under 35 U.S.C. § 103

Claims 1-39 stand rejected under 35 U.S.C. § 1039a) as being unpatentable over Marik, U.S. Patent No. 5,903,718 (Marik) in view of U.S. Patent No. 7,296,187 to Fritz et al. (Fritz). Applicants respectfully traverse this rejection.

Independent claims 1, 10, 25, and 34, (as amended) each contain features of substantially the following form:

providing a debugger agent, wherein
 the debugger agent is configured to select a debugger program suitable for
 a device under test,
 the debugger agent is configured to select the debugger program
 prior to loading the debugger program into the device under test,
 and
 the device under test is configured to execute a program under test;
causing the debugger agent to load the debugger program into the device under
test;
sending a plurality of test commands to the device under test according to a test
script; and
activating the debugger program when a watched event occurs during execution
of the program under test.

See, e.g., claim 1 (emphasis added).

Applicants respectfully submit that neither Marik nor Fritz, alone or in combination, teach or contemplate all of the features of claims 1, 10, 25, and 34 because neither Marik nor Fritz considers the process of selecting a debugger program or subsequently loading the debugger program onto the device under test. Marik's system does not allow a debugger program to be loaded, and with no loading possible, there can be no selection of a debugger program to load. Fritz is cited only for introducing the concept of a script; however, the addition of the concept of a script does not cure the deficiencies of Marik, because adding scripts to Marik does not add the ability to select and load a debugger program onto the device under test.

The Office Action cites the following passage of Marik for the proposition that Marik teaches causing a debugger agent to load a debugger program into a device under test:

The first step in enabling the INT0 Debug routine involves the PC Host Debugger application sending an "Enable Debugger" D-packet.

Marik, 8:23-25. To understand this passage, one must appreciate that Marik's system-under-test already has the debugger programmed into read only memory (ROM) and the PC host simply sends the system-under-test a signal to enable the already programmed-in debugger program. The reason that no loading is possible in the Marik system is precisely this: the debugger program is contained in ROM. ROM stands for "read only memory." Marik introduces his system as follows:

A remote program monitor method and system using a system-under-test microcontroller for self-debug comprises a system-under-test (SUT) that includes a read-only memory (ROM) and a microcontroller for executing a program under test. The microcontroller has an interrupt input, wherein

one or more enable debugger signals received at the interrupt input causes the microcontroller to execute a debugger program contained in the ROM.

Marik, Abstract. Without the need or ability to load a debugger program in Marik, it is also not possible to select a debugger program for loading. Thus, Marik can not be said to teach or remotely contemplate these features of claims 1, 10, 25, and 34, among others.

Because Fritz is not cited for the elements of Marik on which the rejection rests, Fritz can not be used to cure the deficiencies of Marik. Thus, neither Marik nor Fritz, alone or in combination, can be said to teach or even contemplate all of the features present in independent claims 1, 10, 25, and 34.

Further, Applicants respectfully submit that Marik and Fritz cannot be properly combined because such a combination would change the principle of operation of each system. As an initial matter, Applicants begin with the MPEP which states that “the claimed combination cannot change the principle of operation of the primary reference or render the reference inoperable for its intended purpose. See MPEP § 2143.01.” MPEP § 2145, section III.

Marik’s system design is presented in Figure 1, which depicts a PC Host directly connected to a target system and communication occurs over a serial connection and interrupt lines. On the other hand, Fritz explains that his system introduces a hardware debug device for the specific purpose of reducing the traffic between a host and the device under test. *See* Fritz, Abstract. Fritz’s system is specifically designed to avoid the problems extant in a communication environment such as that propounded by Marik. Thus, one of ordinary skill in the art would be discouraged from adding Marik to Fritz because such an addition would nullify any advantages afforded by Fritz. Marik’s use of

interrupt lines directly into the device under test would be thwarted by the introduction of Fritz's hardware debug device between the PC Host and the device under test. Because each system depends on a feature that would be inoperable in the environment provided by the other system, these two systems cannot be combined without nullifying critical features of each system. This nullification of critical features would change the principle of operation of each system and therefore these two references are not properly combinable.

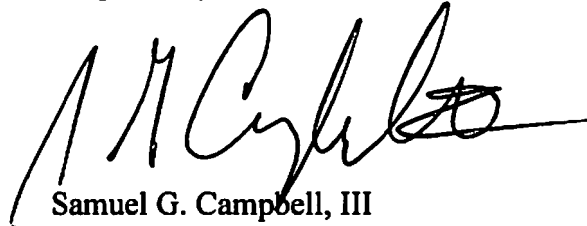
For at least these reasons, Applicants submit that neither Marik nor Fritz, alone or in combination, provide disclosure of all the elements of independent claims 1, 10, 25, and 34, and dependent claims 2-9, 11-24, 26-33, and 35-39, and that these claims are in condition for allowance. Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of the rejections to these claims and an indication of the allowability of same.

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to Deposit Account 502306.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. G. Campbell, III', with a stylized flourish at the end.

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